

REMARKS

In the Office Action of April 23, 2004, the Examiner rejected claims 2-3 and 6-8 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention; rejected claims 1, 5, 9-10, 27 and 61 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,579,379 to D'Amico et al. ("D'Amico"); rejected claim 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of U.S. Patent No. 6,707,915 to Jobst et al. ("Jobst"); rejected claims 15-26, 38-42, and 66-68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of U.S. Patent No. 6,223,248 to Sautter et al. ("Sautter"); rejected claims 2-3, 6-8, 11-14, 28, 31-32, 34-37, and 62-64 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of published U.S. Patent Application US2003/0074313 to McConnell et al. ("McConnell"); rejected claim 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of McConnell and further in view of Sautter; rejected claim 30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of McConnell and further in view of U.S. Statutory Invention Registration H1,897 of Fletcher et al. ("Fletcher"); rejected claim 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Sautter and further in view Fletcher; rejected claims 43-44 and 47-49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of U.S. Patent No. 6,282,193 to Hluchyj et al. ("Hluchyj"); rejected claims 45-46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Hluchyj and further in view of McConnell; rejected claims 50-60 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Hluchyj and further in view of Sautter; and rejected claim 65 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Fletcher.

By way of the present amendment, Applicants amended claims 1, 2, 4-8, 12, 15, 18, 27-33, 36-41, 43-45, 47, 48-51, 54, 61, 62, 64, and 66-68 to improve form. Claim 65 has been canceled without disclaimer or prejudice. Claims 69-74 have been added. Claims 1-64 and 66-74 are now pending.

REJECTION OF CLAIMS 2-3 AND 6-8 UNDER 35 U.S.C. § 112

On page 2 of the Office Action, the Examiner rejected claims 2-3 and 6-8 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner indicated that claims 2-3 and 8 do not have sufficient antecedent basis for the limitation "the gateway," and claims 6-7 have insufficient antecedent basis for the limitation "the server." Applicants amended the claims accordingly. Therefore, Applicants respectfully request that the rejection of claims 2-3 and 6-8 be withdrawn.

REJECTION OF CLAIMS 1, 5, 9-10, 27, AND 61

On pages 2-3 of the Office Action, the Examiner rejected claims 1, 5, 9-10, 27 and 61 under 35 U.S.C. § 102(b) as allegedly being anticipated by D'Amico. Applicants respectfully traverse the rejection.

Amended independent claim 1 recites a method for placing a call between a first client and a second client. The method includes receiving a call request message, challenging a device that originated the call request message to authenticate itself, authenticating the call request message, whereby an authentic originating client is identified, and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the

call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. D'Amico does not disclose or suggest the combination of features recited in Applicants' claim 1.

For example, D'Amico does not disclose or suggest challenging a device that originated the call request message to authenticate itself.

D'Amico relates to a personal communication service that allows a user to send and receive calls from a single portable handset using a single assigned number whether at home or roaming (D'Amico, at column 1, lines 12-15). D'Amico further discloses a calling party pays feature (in which a party calling a subscriber pays for the call) that can be utilized to prevent deactivation of a subscriber's handset to prevent accruing of charges for incoming calls over a cellular network (D'Amico, at column 1, lines 24-28). However, D'Amico does not disclose or suggest challenging a device that originated the call request message to authenticate itself, as recited in claim 1.

Because D'Amico does not recite each and every feature of claim 1, Applicants submit that claim 1 is not anticipated by D'Amico and respectfully request that the rejection of claim 1 be withdrawn.

Claims 5 and 9-10 depend from claim 1 and are not anticipated by D'Amico for at least the reasons given with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claims 5 and 9-10 be withdrawn.

Amended independent claims 27 and 28 recite challenging a device that originated the call request message to authenticate itself. Applicants submit that this feature is similar to the previously discussed feature of claim 1 and is not anticipated by D'Amico for reasons similar to reasons given with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claims 27 and 28 be withdrawn.

Amended independent claim 61 is directed to a server system comprising a processor programmed to challenge a device that originated a call by requesting the device to authenticate itself. Applicants submits that this feature is similar to the above-discussed feature of claim 1. Applicants further submit that claim 61 is not anticipated by D'Amico for reasons similar to reasons given with respect to claim 1 and respectfully request that the rejection of claim 61 be withdrawn.

REJECTION OF CLAIM 4

On pages 4 and 5 of the Office Action, the Examiner rejected claim 4 as allegedly being unpatentable over D'Amico in view of Jobst. Applicant respectfully traverses the rejection.

Claim 4 depends from claim 1. Applicants submit that the disclosure of Jobst does not satisfy the deficiencies in the disclosure of D'Amico set forth above with respect to claim 1. Therefore, claim 4 is patentable over D'Amico in view of Jobst, whether taken alone or in any combination, for at least the reasons given above with respect to claim 1. Moreover, claim 4 recites additional features not disclosed or suggested by D'Amico and Jobst.

For example, claim 4 recites that the challenging includes performing a calculation using a hash algorithm. On page 3 of the Office Action, the Examiner argues that Jobst discloses performing a calculation using a hash algorithm at column 2, lines 34-54. Applicants disagree.

Jobst at column 2, lines 34-55 discloses:

A Master Password is defined by the administrator of the providing communication terminal. Phones or a communication terminal supporting the data packet verification method according to embodiments of the invention, are each provided with a phone password. The phone password is stored in the phone and is calculated by combining the IMEI number and the Master Password by means of a secure hash algorithm, such as a public key algorithm (for example, the MD5 algorithm from the RSA Data Security Company). The MD5 algorithm is a one-way hash function producing a 128 bit hash value (16 byte) from input messages of arbitrary length.

When the administrator of the providing communication terminal transmits the data packet the phone password calculated based on the Master Password may be used for the calculation of the second unique identification code. This second unique identification code is calculated by combining the code image of the data packet to be sent and the phone password by means of an secure hash algorithm, such as the MD5 algorithm . The code image and the second unique identification code is then transferred to the requesting communication terminal.

Thus, Jobst discloses using a hash algorithm to verify a data transfer. However, neither D'Amico nor Jobst discloses or suggests, either separately or in combination, challenging a device that originated the call request message to authenticate itself, where the challenging includes performing a calculation using a hash algorithm, as required by claim 4. Therefore, for at least these additional reasons, Applicants respectfully request that the rejection of claim 4 be withdrawn.

REJECTION OF CLAIMS 15-26, 38-42, AND 66-68

On pages 4-6 of the Office Action, the Examiner rejected claims 15-26, 38-42, and 66-68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Sautter. Applicants respectfully traverse the rejection.

Claims 15-26 depend from claim 1. Applicants submit that the disclosure of Sautter does not satisfy the deficiencies in the disclosure of D'Amico set forth above with respect to claim 1.

Therefore, claims 15-26 are patentable over D'Amico in view of Sautter, whether taken alone or in any combination, for at least the reasons given above with respect to claim 1. Moreover, claim 15-26 recite additional features not disclosed or suggested by D'Amico and Sautter.

For example, claim 22 recites that at least one of the first client or the second client includes a SIP voicemail server. Claim 23 recites that at least one of the first client or the second client includes a SIP conferencing server. After carefully reviewing the D'Amico and Sautter references, Applicants submit that neither reference mentions the SIP protocol, a SIP voicemail server, or a SIP conferencing server. Therefore, D'Amico and Sautter cannot disclose the features of claims 22 and 23.

On page 4 of the Office Action, the Examiner argued that Sautter, at column 6, lines 10-67 and Figs. 2A-F discloses the features of claims 22 and 23. Applicants disagree.

Sautter, at column 6, lines 10-67 discloses:

These message are received by the DTE (BICC) Basic Internet Controller Card over the control interface.

Referring to FIG. 2A there is shown a basic block diagram showing the connection of two radios or a data communication equipment terminal 20 interfacing with a data terminal equipment 23 which may be a radio or a gateway through a BICC which is a basic internet controller card 21. All components are well known. The data communication equipment consists of a receive and transmit terminal 24 for voice and a receive and transmit terminal 25 for data. As can be seen, the data rates are 16 KPBS as interfacing with the BICC 21 and a data rates between the radio or gateway or DTE 23 can be at 16 or 32 KPBS.

Referring to FIG. 2B, there is shown a BICC 27 coupled to a radio 26 through this communication path and indicating the data path as well as the control path between the two modules. It will be clearer how connections are implemented and how they are made in further discussions.

Referring to FIG. 2C, there is shown interconnections between a DCE, which is a data communications equipment, such as a radio and a DTE, which is a data terminal equipment. FIG. 2C shows all the possible configurations, as for example, between a terminal 30 and a DCE or radio 28 as well as between a DTE or data terminal equipment 31 and a DCE having received transmit sections 33.

Basically, as one can ascertain from FIG. 2C, the radio is always a DCE interface and operates at HDX. The terminal, such as terminal 30, is always a DTE interface and can operate with HDX/FDX. The BICC as 29 or gateway has a DCE and DTE interface and therefore can operate with HDX or FDX. This is shown in FIG. 2C which shows the DCE/DTE configurations.

Referring to FIG. 2D, there is shown protocol configurations and basically in FIG. 2D it is seen that a radio such as module 36 has two data interfaces. One is control, which is not shown, and the other is the X.21 data port. The BICC such as 32 processes the LAPB protocol on its input and regenerates the LAPB protocol on the output as seen in FIG. 2D. This essentially shows how the protocols are accommodated. For example, on the right side of FIG. 2D there is shown a BICC 33 which interfaces with a BICC 34. The protocols, as well as the interface rates are shown on the connecting lines. Similarly the BICC 34 interfaces with DCE 35 using the X.21 protocol. Thus, the protocol format or protocol configurations for the various terminal equipments are shown in FIG. 2D.

FIG. 2F shows the terminal interface configurations whereby terminals 40 and 41 communicate via each other via messages and the HDLC Frame. Terminals 40 and 41 can communicate with the receive/transmit COMSEC, which is communication security devices, such as radios 42 and 43 through the LAPB X.21 Protocol as well as the units 42 and 43 can communicate one with the other through binary data and according to this protocol. The LAPB is a modified protocol for half duplex radio interfaces. The users data, as the data between radios 42 and 43, is binary data stream for the radio. The radios as 42 and 43 do not have its own radio to radio protocol. The radio has a control protocol for both the terminal and the BICC/Gateway which is not shown. This will be described subsequently.

Applicants submit that the above-mentioned features of claims 22 and 23 are not disclosed or suggested in the above-cited portion of Sautter or in any other portion of Sautter.

Amended independent claim 38 recites a computer readable medium having executable instructions for performing a method for placing a call between a first client and a second client. The method includes receiving a SIP call request message, adding a header to the SIP call request message, the header including a server identifier to identify a server sending the SIP call request message, and transmitting the SIP call request message and the header to a network gateway.

As stated above, with respect to claims 22 and 23, D'Amico and Sautter do not disclose or suggest using the SIP protocol. Both references also fail to disclose or suggest a SIP call request message, as recited in claim 38. For at least this reason, Applicants submit that claim 38 is patentable over D'Amico and Sautter and respectfully request that the rejection of claim 38 be withdrawn.

Further, neither D'Amico nor Sautter disclose or suggest, either separately or in combination, adding a header to the SIP call request message, where the header includes a server identifier to identify a server sending the SIP call request message, as recited in amended claim 38. On page 5 of the Office Action, the Examiner admitted that D'Amico does not disclose this feature and argued that Sautter teaches adding a header to the call request message, where the header includes a server id (destination internet address). The Examiner has mischaracterized the above feature of claim 38. Claim 38 recites that the header includes a server identifier to identify a server sending the SIP call request message. It is unclear how the Examiner can reasonably allege that a destination Internet address is equivalent to the server identifier that identifies the server sending the SIP call request message. One skilled in the art would readily appreciate that a server identifier that identifies a server sending the SIP call request message is not equivalent to a destination Internet address. For at least the foregoing reasons, Applicants submit that claim 38 is patentable over D'Amico and Sautter and respectfully request that the rejection of claim 38 be withdrawn.

Claim 39 depends from amended claim 38 and is patentable over D'Amico and Sautter at least for the reasons discussed above with respect to claim 38. Therefore, Applicants respectfully request that the rejection of claim 39 be withdrawn.

Amended independent claim 40 is directed to a computer readable medium having executable instructions for performing a method for placing a call between a first client and a second client. The method includes receiving a call request message, checking the call request message for a server identifier in a security header appended to the call request message, where the server identifier identifies a server that forwarded the call request message, and completing the call based on existence of the server identifier in the security header. Applicants submit that D'Amico and Sautter do not disclose this combination of features. For example, D'Amico and Sautter do not disclose checking the call request message for a server identifier in a security header appended to the call request message, where the server identifier identifies a server that forwarded the call request message, and completing the call based on existence of the server identifier in the security header, as recited in claim 40. Applicants submit that this feature is similar to the feature of adding a header to the SIP call request message, where the header includes a server identifier to identify a server sending the SIP call request message, recited in amended claim 38. Therefore, Applicants submit that claim 40 is patentable over D'Amico and Sautter for reasons similar to reasons provided with respect to claim 38. Applicants, therefore, respectfully request that the rejection of claim 40 be withdrawn.

Amended claims 41 and 42 depend from amended claim 40 and are patentable over D'Amico and Sautter at least for the reasons discussed above with respect to claim 40. Therefore, Applicants respectfully request that the rejection of claims 41 and 42 be withdrawn.

Amended independent claim 66 is directed to a network gateway system for placing a call between a first client and a second client. The system includes a communications interface for establishing a call with a circuit switched network and a processor coupled to the communications interface. The processor is programmed to receive a call request message,

check the call request message for existence of a security header appended to the call request message, the security header including a server identifier identifying a server that forwarded the call request message, and complete the call based on the existence of the security header including the server identifier. Applicants submit that D'Amico and Sautter do not disclose this combination of features.

For example, Applicants submit that the feature of the processor being programmed to check the call request message for existence of a security header appended to the call request message, where the security header includes a server identifier identifying a server that forwarded the call request message is similar to the feature of claim 38 of adding a header to the SIP call request message, where the header includes a server identifier to identify a server sending the SIP call request message. Applicants submit that for reasons similar to reasons provided with respect to this feature of claim 38, claim 66 is patentable over D'Amico and Sautter and respectfully request that the rejection of claim 66 be withdrawn.

Amended claims 67 and 68 depend from amended independent claim 66 and are patentable over D'Amico and Sautter at least for this reason. Therefore, Applicants respectfully request that the rejection of claims 67 and 68 be withdrawn.

REJECTION OF CLAIMS 2-3, 6-8, 11-14, 28, 31-32, 34-37, AND 62-64

On pages 6-7 of the Office Action, the Examiner rejected claims 2-3, 6-8, 11-14, 28, 31-32, 34-37, and 62-64 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view McConnell. Applicants respectfully traverse the rejection.

Claims 2-3, 6-8, and 11-14 depend from amended claim 1. The disclosure of McConnell does not remedy the deficiencies in the disclosure of D'Amico set forth with respect to claim 1.

Therefore, these claims are patentable over D'Amico and McConnell, whether taken alone or in any reasonable combination for at least reasons given above with respect to claim 1.

Similar to claim 1, amended independent claims 28 and 31 recite challenging a device that originated a call request message to authenticate itself. Applicants submit that claims 28 and 31 are patentable over D'Amico and McConnell at least for reasons similar to reasons provided with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claims 28 and 31 be withdrawn. Moreover, these claims recite additional features not disclosed or suggested by D'Amico and McConnell.

For example, claims 28 and 31 recite receiving a SIP call request message. Both D'Amico and McConnell do not mention the SIP protocol and therefore, do not disclose or suggest receiving a SIP call request message, as recited in claims 28 and 31.

Claims 32 and 34-37 depend from amended claim 31 and are patentable over D'Amico and McConnell at least for the reasons discussed above with respect to claim 31. Therefore, Applicants respectfully request that the rejection of claims 32 and 34-37 be withdrawn.

Amended claims 62-64 depend from claim 61. Applicants submit that the disclosure of McConnell does not remedy the deficiencies of D'Amico set forth with respect to claim 61. Therefore, these claims are patentable over D'Amico and McConnell, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 61. Applicants respectfully request that the rejection of claims 62-64 be withdrawn. Moreover, these claims recite additional features not disclosed or suggested by D'Amico and McConnell.

For example, claim 64 recites the processor further being programmed to add a header to the SIP call request message, where the header includes a server identifier identifying the server system that forwards the call request message. As discussed previously, neither D'Amico nor

McConnell discloses or suggests a SIP call request message. In addition, neither reference discloses or suggests the header including a server identifier identifying the server system that forwards the call request message, as recited in claim 64. For at least these additional reasons, Applicants submit that claim 64 is patentable over D'Amico and McConnell.

REJECTION OF CLAIM 29

On pages 7-8 of the Office Action, the Examiner rejected claim 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of McConnell and further in view of Sautter. Applicants respectfully traverse the rejection.

Amended claim 29 depends from amended independent claim 28. The disclosure of Sautter does not remedy the deficiencies of D'Amico and McConnell set forth with respect to claim 28. Therefore, claim 29 is patentable over D'Amico, McConnell, and Sautter, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 28. Applicants respectfully request that the rejection of claim 29 be withdrawn.

REJECTION OF CLAIM 30

On page 8 of the Office Action, the Examiner rejected claim 30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of McConnell and further in view of Fletcher. Applicants respectfully traverse the rejection.

Amended claim 30 depends from amended claim 28. The disclosure of Fletcher does not remedy the deficiencies of D'Amico and McConnell set forth with respect to claim 28. Therefore, claim 30 is patentable over D'Amico, McConnell, and Fletcher, whether taken alone

or in any reasonable combination, for at least the reasons given with respect to claim 28.

Applicants respectfully request that the rejection of claim 30 be withdrawn.

REJECTION OF CLAIM 33

On page 9 of the Office Action, the Examiner rejected claim 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Sautter and further in view of Fletcher.

Applicants respectfully traverse the rejection.

Amended claim 33 depends from amended claim 31. The disclosure of Sautter and Fletcher do not remedy the deficiencies of D'Amico set forth above with respect to claim 31. Therefore, claim 33 is patentable over D'Amico, Sautter, and Fletcher, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 31. Applicants respectfully request that the rejection of claim 33 be withdrawn.

REJECTION OF CLAIMS 43-44 AND 47-49

On pages 9-10 of the Office Action, the Examiner rejected claims 43-44 and 47-49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Hluchyj.

Applicants respectfully traverse the rejection.

Amended independent claim 43 recites a system for placing a call between a first client and a second client. Applicants submit that D'Amico and Hluchyj do not disclose the features of claim 43.

For example, D'Amico and Hluchyj do not disclose a system for placing a call between a first client and a second client, including, among other things, a SIP server configured to challenge a device that originated the call by requesting the device to authenticate itself.

Applicants submit that this feature is similar to the challenging feature of claim 1. Therefore, Applicants submit that claim 43 is patentable over D'Amico and Hluchyj for reasons similar to reasons provided with respect to claim 1. Applicants, therefore, respectfully request that the rejection of claim 43 be withdrawn.

Claims 44 and 47-49 depend from claim 43 and are patentable over D'Amico and Hluchyj at least for the reasons discussed with respect to claim 43. Therefore, Applicants respectfully request that the rejection of claims 44 and 47-49 be withdrawn.

REJECTION OF CLAIMS 45-46

On pages 10-11 of the Office Action, the Examiner rejected claims 45-46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Hluchyj and further in view of McConnell. Applicants respectfully traverse the rejection.

Claims 45-46 depend from claim 43. Applicants submit that the disclosure of McConnell does not remedy the deficiencies of D'Amico and Hluchyj set forth with respect to claim 43. Therefore, these claims are patentable over D'Amico, Hluchyj, and McConnell, whether taken alone or in any reasonable combination for at least the reasons given with respect to claim 43. Applicants respectfully request that the rejection of claims 45-46 be withdrawn.

REJECTION OF CLAIMS 50-60

On pages 11-12 of the Office Action, the Examiner rejected claims 50-60 under 35 U.S.C. § 103(a) as allegedly being unpatentable over D'Amico in view of Hluchyj and further in view of Sautter. Applicants respectfully traverse the rejection.

Claims 50-60 depend from claim 43. The disclosure of Sautter does not remedy the deficiencies of D'Amico and Hluchyj set forth with respect to claim 43. Therefore, these claims are patentable over D'Amico, Hluchyj, and Sautter, whether taken alone or in any reasonable combination for at least the reasons given with respect to claim 43. Applicants respectfully request that the rejection of claims 50-60 be withdrawn.

REJECTION OF CLAIM 65

Claim 65 was cancelled without prejudice or disclaimer rendering the rejection moot. Therefore, Applicants respectfully request that the rejection of claim 65 be withdrawn.

NEW CLAIMS 69-74

New claims 69-74 depend from claims 1, 27, 28, 31, 43, and 61, respectively, and are patentable over the cited references for at least the reasons provided with respect to claims 1, 27, 28, 31, 43, and 61. Further, claims 69-74 also recite preventing the call from completing if the device fails the challenge. Applicants submit that the cited references do not disclose or suggest this feature, whether taken alone or in any combination.

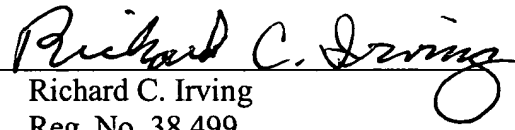
CONCLUSION

Applicant submits that claims 1-64 and 66-674 are allowable and a notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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